

Hearing Date: April 9, 2015, 9:30 a.m.

Hearing Location: Utica, NY

Objections Due By: April 2, 2015

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

In re

Vincent D. Iocovozzi
Debtor

**MOTION -
OBJECTION TO CLAIM
CHAPTER 13
CASE NO. 13-62035-6-dd**

Vincent D. Iocovozzi ("the Debtor"), through his attorney, Carol Malz, Esq., states as follows:

1. That he filed a voluntary Chapter 13 petition in bankruptcy on December 20, 2013, and his Plan was confirmed on January 22, 2015.
2. That the Plan provides a one hundred percent (100%) dividend to unsecured creditors.
3. That the Debtor has paid \$15,676.00 into the Plan to date, and that his continuing payments of \$694.00 per month will bring an additional \$32,618.00 into the Plan, for a total of \$48,294.00.
4. That the Plan may additionally receive funds from a legal malpractice case.
5. That the Plan will receive \$10,000.00 in funds from the sale of the Debtor's share of a condominium in Florida.
6. That Berkshire Bank is an unsecured creditor. It filed a Proof of Claim (Claim no. 17) on July 16, 2014 for \$36,724.47.
7. That the deadline for filing Proofs of Claim was April 28, 2014.
8. That the Debtor objects to Berkshire Bank's claim as being untimely filed, and submits that it should be disallowed.
9. That the Debtor's other unsecured creditors are Lacy Katzen, LLP (Claim no. 8 for \$11,173.70) and BonNette Iocovozzi (Claims nos. 10, 11, and 12, valued at \$1.00 each pending state court determinations). These claims were timely filed.

10. That GPO Federal Credit Union may additionally be an unsecured creditor following the foreclosure of the property in the Town of Exeter, Otsego County.

11. That additionally Berkshire Bank did not file any substantiation of its claim.

WHEREFORE, the Debtor respectfully requests that the court disallow the claim of Berkshire Bank, and grant such other and further relief which the court deems just and proper.

Dated: March 16, 2015

Respectfully Submitted,

/s/ Carol Malz
Carol Malz, Esq. (510644)
Attorney for the Debtor
554 Main Street, P.O. Box 1446
Oneonta, NY 13820
(607) 432-6932